

SB 408: LR-Top Two Primary

House State Administration – Monday, April 15, 2013

Secretary of State Linda McCulloch's Testimony, by Lisa Kimmet, Deputy

- Secretary McCulloch strongly opposes this bill, as it would deliver a tremendous blow to the value of fair and accessible elections for all candidates and all parties.
- The purpose of a Primary Election is for voters who identify with a particular party to choose from a field of candidates their representation on the General Election ballot.
- In a top-two Primary, voters who identify with a party may not have a chance to advance their candidate to the General Election if their party has considerably more candidates on the ballot than the opposing parties.
  - For example: Say there are 6 candidates who identify with the Republican Party running against 2 Democrats, 2 Minor Party candidates and 1 Independent.
  - Voters who identify with the Republican Party will have their votes split among 6 candidates, while Democrats will only be split between 2. There is a high chance that those 2 Democrats will advance on to the General Election, because their vote count will be higher than that of a Republican candidate who had 5 others competing for votes.
  - Similarly, this same example demonstrates how Minor Party and Independent candidates could effectively be removed from the General Election ballot – which poses yet another significant risk to ensuring the integrity and fairness of elections.
- Voter turnout is lower in Primary Elections at 37% than in General Elections where the turnout is 72% (2012 Elections). Supporters of the top-two Primary generally tout increased voter turnout as a favorable outcome of the system.
- However, California's first top-two Primary (which was held in June 2012) failed on this promise.
- Not only did 2 candidates from a less favored party in a Congressional District advance to the General Election (proving the reality of the example I just shared), but voter turnout was only 30% - the lowest in California's history for a presidential Primary.



- This means that many voters who don't participate in Primary elections may never have a chance to choose a candidate who they identify with, and also that the candidate who advances to the General Election may not reflect the true will of the people.
- It is important to note that proposing to place this issue as a legislative referendum on the ballot will cost counties nearly \$38,000 to administer.
  - This is a conservative number that only includes the layout and printing of the ballot, and programming of the vote tabulating machines. It does not include the additional time, money and energy expended on answering questions related to the ballot issues, or on mailing the Voter Information Pamphlet (VIP) - Which is sent in October to every household in Montana with at least one registered voter.
    - To put this into perspective, counties spent \$100,000 mailing the 2012 General Election VIP.
  - That doesn't include the expense to the SOS Office spent on the design and printing of the VIP – which in 2012 included 3 LRs, and 2 citizen-proposed ballot issues.
- So far this session, an unprecedented 24 legislative referenda have been introduced. 10 remain active in the legislative process. And while asking the voters to approve proposed legislation is at your discretion, if those 10 remaining LRs are to appear on the 2014 General Election ballot, you will effectively be sending county election offices a \$380,000 bill.
- Additionally, the next statewide federal election will be held in 2014 – which means this issue would appear on the ballot in a non-presidential election year, when voter turnout is historically lower than average.
  - 59% in 2010 General compared to 79% in 2012
  - 67% in 2006 General compared to 81% in 2008
- We must all remember that Montana elections are for the voters, and they elected you to do your job during the 90 days you are at the Capitol.
  - In 2012, 5 ballot issues were on the ballot. Montanans waited in line to give their neighbors the chance to vote that 2-page ballot. In 2014, we're looking at a

ballot over twice the length, which will do nothing to shorten the lines on Election Day.

- Those ballots will not only take longer to count, they will delay the election results.
- We have some administrative concerns with the bill as well. Rather than go through those technical concerns, I will pass out a list of them for your review.
- A top-two Primary will confuse voters and flaw our elections process, and I urge you to vote "no". Thank you for your time.